



The Honorable Vincent C. Gray  
Mayor of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 316  
Washington, DC 20004

Dear Mayor Gray:

This letter provides approval of the District of Columbia's State Integrated Workforce Plan for Title I of the Workforce Investment Act (WIA), the Wagner-Peyser Act (W-P), including W-P Agricultural Outreach Plan, plans for coordination with Trade Adjustment Assistance (TAA), and Title V of the Older Americans Act. The Employment and Training Administration (ETA) received the Integrated Workforce Plan on September 18, 2012. This letter also addresses the District of Columbia's WIA waiver requests.

Training and Employment Guidance Letter (TEGL) No. 21-11, issued on March 27, 2012, and TEGL No. 21-11, Change 1, issued on August 8, 2012, provide guidance for states to submit their State Workforce Plans and waivers for Program Year (PY) 2012 and beyond. We appreciate the District's responsiveness to this guidance.

#### Plan Review and Approval

ETA has reviewed the District of Columbia's State Integrated Workforce Plan in accordance with Title I of WIA, the Wagner-Peyser Act, the Trade Act (as amended), the corresponding regulations, the State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act, and Department of Labor Workforce Programs (<http://www.doleta.gov/usworkforce/wia-planning/docs/integrated-planning-guidance.pdf>), Title V of the Older Americans Act and corresponding regulations, TEGL No. 21-11, and the corresponding Change 1. Pursuant to 20 CFR 661.230(e), this letter constitutes a written determination under WIA Section 112 (29 USC 2822), and WIA section 501 (20 USC 9271) which pertains to State Unified Plans, that ETA is approving those portions of the District of Columbia's State Integrated Workforce Plan that relate to Title I of WIA, the Wagner-Peyser Act, and TAA for Program Years 2012-2016, July 1, 2012 through June 30, 2017. The Senior Community Service Employment Program (SCSEP) State Plan has been reviewed by both ETA and the Administration on Aging, and is approved for Program Years 2012-2015, July 1, 2012 through June 30, 2016.

The District is eligible to receive WIA formula allotments for Adult, Dislocated Worker, and Youth programs, and W-P program allotments, effective July 1, 2012 through June 30, 2017.

### Performance Levels

Each year, the Regional Administrator negotiates the Program Year's WIA and W-P performance goals with each state. The District's goals have been negotiated and the Regional Administrator's letter dated October 26, 2012, advised the District of the PY 2012 WIA and W-P final performance goals. This letter also indicated that the District's final performance goals for PY 2012 will be incorporated into the Regional and National Office copies of the State Integrated Workforce Plan. Please include these final PY 2012 goals in the District's official copy of the State Plan. For your convenience, your final negotiated performance goals are enclosed with this letter.

### Waivers

As part of the District of Columbia's State Integrated Workforce Plan, the District submitted waiver requests for waivers of statutory and regulatory requirements under WIA (copy enclosed). The District's request for waivers is written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c). The disposition of the District's waiver requests is outlined below. This action is taken under the Secretary's authority at WIA Section 189(i) to waive certain requirements of WIA Title I, Subtitles B and E, and Sections 8-10 of the Wagner-Peyser Act.

#### Waiver of WIA Section 133(b)(4) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area.

The District requested a waiver to permit an increase in the amount a state is allowed to transfer between the Adult and Dislocated Worker funding streams. The District is granted this waiver through June 30, 2017. Under the waiver, transfer authority is limited to 50 percent. This limitation provides states flexibility while ensuring consistency with Congressional intent regarding the level of funding appropriated for the WIA Adult and Dislocated Worker programs.

#### Waiver to permit the District to replace the performance measures at WIA Section 136(b) with the common measures.

The District requested a waiver that allows the District to replace the 17 performance measures under WIA Section 136(b) with the common measures. The District is granted this waiver through June 30, 2017.

This waiver permits the District to negotiate and report WIA outcomes against the common performance measures only, rather than the performance measures described at WIA Section 136(b). The District will no longer negotiate and report to ETA on the following WIA measures: WIA adult and dislocated worker credential rates; participant and employer customer satisfaction; older youth measures; and younger youth measures. The District will use the three adult common performance measures to negotiate goals and report outcomes for the WIA Adult and WIA Dislocated Worker programs. The District will use the three youth common performance measures to negotiate goals and

report outcomes for the WIA Youth program. Workforce Investment Act Standardized Record Data system (WIASRD) item 619, Type of Recognized Credential, should be completed for each individual as appropriate, regardless of this waiver to report on common performance measure outcomes only.

Waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.

The District requested a waiver of the time limit on the period of initial eligibility of training providers provided at 20 CFR 663.530. The District is granted this waiver through June 30, 2017. Under the waiver, the District is allowed to postpone the determination of subsequent eligibility of training providers. The waiver also allows the District to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers.


Waiver of WIA Section 134(a) to permit local areas to use a portion of local funds for incumbent worker training.

The District requested a waiver to permit local areas to conduct allowable statewide activities as defined under WIA Section 134(a)(3) with local WIA formula funding, specifically incumbent worker training. The District is granted this waiver through June 30, 2017. Under this waiver, the District is permitted to use up to 10 percent of local Dislocated Worker funds and up to 10 percent of local Adult funds for incumbent worker training only as part of a layoff aversion strategy. Use of Adult funds must be restricted to serving lower income adults under this waiver. ETA believes limiting incumbent worker training to the specified level and requiring it to be a part of layoff aversion is the best use of funds in the current economic climate where serving unemployed workers is a paramount responsibility of the workforce system. All training delivered under this waiver is restricted to skill attainment activities. The District must continue to conduct the required local employment and training activities at WIA Section 134(d), and the District is required to report performance outcomes for any individual served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRD), field 309. TEGL No. 26-09, Section 7A, "Workforce Investment Act (WIA) Waiver Policy and Waiver Decisions for PY 2009 and 2010" and TEGL No. 30-09, "Layoff Aversion Definition and the Appropriate Use of Incumbent Worker Training for Layoff Aversion Using a Waiver" provide policy guidance related to implementation of this waiver.

The approved waivers are incorporated by reference into the District's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and are incorporated into the State Integrated Workforce Plan. A copy of this letter should be filed with the District's WIA Grant Agreement and with the approved State Plan. In addition, as described in TEGL No. 29-11, the District should address the impact these waivers have had on the District's performance in the WIA annual performance report, due on October 1 of each year.

We look forward to working together as you implement your State Integrated Workforce Plan for PY 2012 and beyond. Thank you for adopting the American Job Center Brand; we are available to provide technical assistance as needed. If you have any questions related to the issues discussed above, please contact, please contact Dennis Dougherty, the Federal Project Officer for the District of Columbia, at 215-861-4838 or [Dougherty.Dennis@dol.gov](mailto:Dougherty.Dennis@dol.gov).

Sincerely,



Jane Oates  
Assistant Secretary

Enclosure

cc: Lenita Jacobs-Simmons Regional Administrator, ETA Philadelphia Regional  
Office  
Dennis Dougherty, Federal Project Officer for the District of Columbia